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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,673	11/15/2001	Bob J. Overton	A8126	7526

7590 09/07/2004

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EXAMINER

LAMB, BRENDA A

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 09/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/987,673

Applicant(s)

Overton et al

Examiner

LAMB

Group Art Unit

1734

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

☒ Responsive to communication(s) filed on 5/26/2004

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

☒ Claim(s) 18-29 is/are pending in the application.

Of the above claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 18, 19 and 24-25 is/are rejected.

☒ Claim(s) 20-23 and 26-29 is/are objected to.

☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

☐ All ☐ Some* ☐ None of the:

☐ Certified copies of the priority documents have been received.

☐ Certified copies of the priority documents have been received in Application No. _____.

☐ Copies of the certified copies of the priority documents have been received

in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4/20/2004 ☐ Interview Summary, PTO-413

☐ Notice of Reference(s) Cited, PTO-892

☐ Notice of Informal Patent Application, PTO-152

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Other _____

Office Action Summary

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 18, 19, and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petisce 5,037,773 in view of Japan 57092549.

Petisce '763 teaches the design of an apparatus for coating and curing an optical fiber that is comprised of an optical fiber draw tower having a coating die for coating the optical fiber passing there through and a curing device to cure the coating. Petisce '763 teaches the curing device uses ultrasonic energy. Petisce '763 fails to teach curing of the coating is effected by the ultrasound. However Japan '549 teaches the design of an apparatus for curing an optical fiber. Japan '549 curing device includes an ultrasonic transducer coupled therewith which emits ultrasound. Japan '549 teaches curing of the coating is effected by the ultrasound from the ultrasonic transducer. Therefore, it would

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have been obvious in the Petisce '763 apparatus to substitute its curing device with another known ultrasonic curing device for curing coating on a coated optical fiber such as taught by Japan '549 for the taught advantages of the Japan '549 curing device – ultrasonic transducer speeds up the curing process. Thus claims 18-19 are obvious over cited references. With respect to claim 25, absent a clear recitation of how the ultrasonic transducers are coupled, it would have been obvious in the modified Petisce '763 apparatus which includes the Japan '549 curing device that elements of the optical fiber tower draw tower are operatively coupled to one another and therefore to the ultrasonic transducer. With respect to claim 24, Japan '549 teaches the ultrasonic transducer emits a frequency within scope of the claims.

Applicant's arguments filed 5/26/2004 have been fully considered but they are not persuasive.

Applicant's argument that Komura et al or Japan '549 only teaches a resin 13 going over a coated fiber and not coating the fiber is found to be non-persuasive. Komura et al or Japan '549 show in Figure 2 an optical fiber coated with resin 13. The heat from Komura et al heated die as the combination of impregnated glass filaments and optical fiber is passed therethrough results in coating of the optical fiber as depicted in Figure 2.

Claims 20-23 and 26-29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Brenda A Lamb at telephone number (571) 272-1231. The examiner can normally be reached on Monday thru Tuesday and Thursday thru Friday with alternate Wednesdays off.

B. A. Lamb/af

August 17, 2004

Brenda A. Lamb
BRENDA A. LAMB
PRIMARY EXAMINER